

The Hon. Rosanna Malouf Peterson

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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON**

ELISHA L. LANDBERG, a single)	Case No. CV-10-00355-RMP
woman,)	
)	
Plaintiff,)	STIPULATED PROTECTIVE
)	ORDER CONCERNING
vs.)	CONFIDENTIAL INFORMATION
)	
RU HUNGRY, LLC, a Delaware)	
limited liability company; and)	
CHRISTINA BELL, a married)	
woman,)	
)	
Defendants.)	

The parties, by and through their respective counsel, stipulate to the entry of this Protective Order Concerning Confidential Information, as follows:

1. This Protective Order shall apply to all documents, materials, and information, including without limitation, documents produced, answers to

**STIPULATED PROTECTIVE ORDER
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1 interrogatories, responses to requests for admission, deposition testimony, and
2 other information disclosed pursuant to the disclosure or discovery duties created
3 by the Federal Rules of Civil Procedure and designated as "CONFIDENTIAL"
4 pursuant to the terms of this Protective Order.
5

6 2. As used in this Protective Order, "document" is defined as provided
7 in Fed. R. Civ. P. 34(a). A draft or non-identical copy is a separate document
8 within the meaning of this term.

9 3. "CONFIDENTIAL" information covered under the terms of this
10 Protective Order shall include documents, materials and/or information produced
11 by Plaintiff Elisha Landberg ("Plaintiff") and/or Defendants RU Hungry, LLC
12 and/or Christina Bill ("Defendants"), or any of Plaintiff's or Defendants' agents
13 or representatives, when designated as "CONFIDENTIAL" and relate to the
14 following subjects: (a) information or documents concerning current or former
15 employees of RU Hungry (including Plaintiff), including personnel or personnel-
16 related documents or internal memoranda including but not limited to rates of
17 pay, earnings, performance evaluations, discipline, complaints, investigations and
18 statements related to the same; (b) information or documents concerning
19 business, customer or financial documents, information, research, development,
20 strategic or commercial information, proprietary information, processes,
21 information related to current, future and proposed products and pricing of the
22
23

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1 same, information concerning research, experimental work, financial information
2 including profit and loss statements, business and contractual relationships,
3 contracts, business forecasts, and merchandising and marketing plans which RU
4 Hungry contends is proprietary, confidential or trade secret; and (c) information
5 or documents obtained through releases produced by Plaintiff, concerning
6 individual medical, employment, personal identification, financial and/or tax
7 records, when designated as "CONFIDENTIAL."

9 4. CONFIDENTIAL information shall not be disclosed or used for any
10 purpose except the preparation, defense, and trial of this case.

11 5. CONFIDENTIAL information shall not, without the consent of the
12 party producing it or further Order of the Court, be disclosed except that such
13 information may be disclosed to:
14

15 (a) attorneys actively working on this case;

16 (b) persons regularly employed or associated with the attorneys
17 actively working on the case whose assistance is required by said attorneys in the
18 preparation for trial, at trial, or at other proceedings in this case;
19

20 (c) the parties and designated representatives for the entity
21 defendant;

22
23
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1 (d) expert witnesses and consultants retained in connection with this
2 proceeding, to the extent such disclosure is necessary for preparation, trial or
3 other proceedings in this case;

4 (e) the Court and its employees ("Court Personnel");

5 (f) stenographic reporters who are engaged in proceedings
6 necessarily incident to the conduct of this action;

7 (g) deponents, witnesses, or potential witnesses; and

8 (h) other persons by written agreement of the parties.

9
10 6. Documents are designated as CONFIDENTIAL by placing or
11 affixing on them (in a manner that will not interfere with their legibility) or
12 otherwise designating as CONFIDENTIAL in clear and inconspicuous manner
13 the following or other appropriate notice: "CONFIDENTIAL." All medical,
14 employment, and other records received by Defense counsel pursuant to any
15 Release Authorization signed by Plaintiff shall be stamped and marked by
16 Defense Counsel and treated as "CONFIDENTIAL" without Plaintiff's counsel
17 or the record custodian first affixing the "CONFIDENTIAL" designation.
18

19
20 7. All depositions shall be treated as CONFIDENTIAL until expiration
21 of thirty (30) days after the deposition. Whenever a deposition involves the
22 disclosure of CONFIDENTIAL information, the deposition or portions thereof
23 shall be designated as CONFIDENTIAL and shall be subject to the provisions of

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1 this Protective Order. Such designation shall be made on the record during the
2 deposition whenever possible, but a party may designate portions of depositions
3 as CONFIDENTIAL after transcription, provided written notice of the
4 designation is promptly given to all counsel of record within thirty (30) days after
5 receipt of the deposition transcript.
6

7 8. A Party that elects to initiate a challenge to a party's confidentiality
8 designation must do so in good faith and must begin the process by written notice
9 to the party designating the disputed information. The written notice shall
10 identify the information to which the objection is made and explain the basis for
11 its belief that the confidentiality designation was not proper and must give the
12 Designating Party an opportunity to review the designated material, to reconsider
13 the circumstances, and, if no change in designation is offered, to explain the basis
14 for the chosen designation. If the parties cannot resolve the dispute within ten
15 (10) business days after the time the notice is received, either party may then seek
16 judicial intervention regarding the confidentiality of a document.
17

18 9. Within sixty (60) days of the conclusion of this case, unless other
19 arrangements are agreed upon, each document and all copies thereof which have
20 been designated as CONFIDENTIAL shall be returned to the party that
21 designated it CONFIDENTIAL, or the parties may elect to destroy
22 CONFIDENTIAL documents. Where the parties agree to destroy
23

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1 CONFIDENTIAL documents, the destroying party shall provide all parties with a
2 written notice confirming the destruction. Notwithstanding this provision,
3 Counsel are entitled to retain an archival copy of all pleadings, motion papers,
4 transcripts, legal memoranda, and/or correspondence even if such materials
5 contain CONFIDENTIAL information. Any such archival copies that contain or
6 constitute CONFIDENTIAL information remain subject to this Protective Order.
7

8 10. This Order may not be modified by agreement of the parties without
9 the Court's signature of approval. Notwithstanding, nothing in this Order
10 abridges the right of any person to seek its modification by the Court in the
11 future.
12

13 11. This Protective Order may be modified by the Court at any time
14 following notice to all parties and an opportunity for them to be heard.

15 STIPULATED TO AND APPROVED AS TO FORM this 22nd day of
16 February, 2011.

17 PATRICK J. KIRBY, Attorney At Law, PLLC

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By: /s/ Elena C. Burt (approved via e-mail)

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DONE AND ORDERED this 23rd day of February, 2011.



HON. ROSANNA MALOUF PETERSON
UNITED STATES JUDGE

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